

FASCISM - WE HAVE ARRIVED AT THE FASCIST STATE IN AMERICA!

Congress and the White House must take steps to reverse this assault on private property rights.

Translate this Page!



The U.S. Supreme Court justices are pictured in this November 10, 1994 file photo. Back row L-R are: Ruth Bader Ginsburg, David Hackett Souter, Clarence Thomas and Stephen Breyer. Front row L-R: Antonin Scalia, John Paul Stevens, William Hubbs Rehnquist, Sandra Day O'Connor and Anthony M. Kennedy.

Justice John Paul Stevens wrote for the majority. He was joined by **Justice Anthony Kennedy**, **David H. Souter**, **Ruth Bader Ginsburg** and **Stephen G. Breyer**. These were the Justices that eroded the 5th Amendment of the Constitution, June 23, 2005

Four of the five justices who voted for this: "Cities may now bulldoze people's homes to make way for shopping malls or other private development, a divided Supreme Court ruled, giving local governments broad power to seize private property to generate tax revenue. In a scathing dissent, Justice Sandra Day O'Connor said the decision bowed to the rich and powerful at the expense of middle-class Americans.

The Supreme Court said Monday that people who lose state lawsuits claiming the government improperly took their property cannot count on federal courts for help.

Fellow Americans, for a moment, let's review this clause in 5th Amendment in the Bill of Rights of the US Constitution.

Amendment V

"nor shall private property be taken for public use, without just compensation."

William Howard Taft, 27th US president who said: "Next to the right of liberty, **the right of property is the most important individual right guaranteed by the Constitution** and the one which, **united with that of personal liberty**, has contributed more to the growth of civilization than any other institution established by the human race."

In truth, private property serves as the basis for all liberty, since without personal economic power, a job, a home, wealth, the individual cannot support himself or his or her family, and is far more prone to government control



INTERVIEW: Aaron Russo's 'America: Freedom to Fascism'

9/26/06 AUDIO: 7 - 8 am

<http://www.apfn.net/pogo/A004I060926-goyette4.MP3>

9/26/06 AUDIO: 8 - 9 am

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Philosophy Of Liberty (Flash)

<http://www.apfn.org/flash/PhilosophyOfLiberty-english.swf>

Date: Fri, 24 Jun 2005 07:06:33 -0700

From: Les Lemke leslemke@webenet.net

Supreme Court Rules Cities May Seize Homes

Source:

The Washington Post

<http://www.washingtonpost.com/>

<http://tinyurl.com/eyhkx>

By HOPE YEN The Associated Press

Thursday, June 23, 2005

WASHINGTON -- A divided Supreme Court ruled Thursday that local governments may seize people's homes and businesses against their will for private development in a decision anxiously awaited in communities where economic growth often is at war with individual property rights.

The 5-4 ruling represented a defeat for some Connecticut residents whose homes are slated for destruction to make room for an office complex. They argued that cities have no right to take their land except for projects with a clear

public use, such as roads or schools, or to revitalize blighted areas.

As a result, cities now have wide power to bulldoze residences for projects such as shopping malls and hotel complexes in order to generate tax revenue.

Justice Sandra Day O'Connor, who has been a key swing vote on many cases before the court, issued a stinging dissent. She argued that cities should not have unlimited authority to uproot families, even if they are provided compensation, simply to accommodate wealthy developers.

Connecticut residents involved in the lawsuit expressed dismay and pledged to keep fighting.

"It's a little shocking to believe you can lose your home in this country," said resident Bill Von Winkle, who said he would refuse to leave his home, even if bulldozers showed up. "I won't be going anywhere. Not my house. This is definitely not the last word."

Scott Bullock, an attorney for the Institute for Justice representing the families, added: "A narrow majority of the court simply got the law wrong today and our Constitution and country will suffer as a result."

Writing for the court, Justice John Paul Stevens said local officials, not federal judges, know best in deciding whether a development project will benefit the community. States are within their rights to pass additional laws restricting condemnations if residents are overly burdened, he said.

"The city has carefully formulated an economic development that it believes will provide appreciable benefits to the community, including _ but by no means limited to _ new jobs and increased tax revenue," Stevens wrote in an opinion joined by Justice Anthony Kennedy, David H. Souter, Ruth Bader Ginsburg and Stephen G. Breyer.

"It is not for the courts to oversee the choice of the boundary line nor to sit in review on the size of a particular project area," he said.

At issue was the scope of the Fifth Amendment, which allows governments to take private property through eminent domain if the land is for "public use."

Susette Kelo and several other homeowners in a working-class neighborhood in New London, Conn., filed suit after city officials announced plans to raze their homes for a riverfront hotel, health club and offices.

New London officials countered that the private development plans served a public purpose of boosting economic growth that outweighed the homeowners' property rights, even if the area wasn't blighted.

"We're pleased," attorney Edward O'Connell, who represents New London Development Corporation, said in response to the ruling.

The lower courts had been divided on the issue, with many allowing a taking only if it eliminates blight.

"Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random," O'Connor wrote. "The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms."

She was joined in her opinion by Chief Justice William H. Rehnquist, as well as Justices Antonin Scalia and Clarence Thomas.

Nationwide, more than 10,000 properties were threatened or condemned in recent years, according to the Institute for Justice, a Washington public interest law firm representing the New London homeowners.

New London, a town of less than 26,000, once was a center of the whaling industry and later became a manufacturing hub. More recently the city has suffered the kind of economic woes afflicting urban areas across the country, with losses of residents and jobs.

The New London neighborhood that will be swept away includes Victorian-era houses and small businesses that in some instances have been owned by several generations of families. Among the New London residents in the case is a couple in their 80s who have lived in the same home for more than 50 years.

City officials envision a commercial development that would attract tourists to the Thames riverfront, complementing an adjoining Pfizer Corp. research center and a proposed Coast Guard museum.

New London was backed in its appeal by the National League of Cities, which argued that a city's eminent domain power was critical to spurring urban renewal with development projects such as Baltimore's Inner Harbor and Kansas City's Kansas Speedway.

Under the ruling, residents still will be entitled to "just compensation" for their homes as provided under the Fifth Amendment. However, Kelo and the other homeowners had refused to move at any price, calling it an unjustified taking of their property.

The case was one of six resolved by justices on Thursday. Still pending at the high court are cases dealing with the constitutionality of government Ten Commandments displays and the liability of Internet file-sharing services for clients' illegal swapping of copyrighted songs and movies. The Supreme Court next meets on Monday.

The case is Kelo et al v. City of New London, 04-108.

<http://tinyurl.com/87ftp>

[U.S. Supreme Court destroys the right to private property — U.S. Supreme Court,](#)

"By giving governments a green light to bulldoze citizens' homes in the name of development schemes that supposedly promise higher revenues, the Supreme Court is also granting politicians a license to trample on overburdened taxpayers. Property rights have always been inseparable from taxpayer rights, which is why this ruling is one of the most shocking setbacks for economic freedom and limited government in a decade.

Within hours of this decision being issued, overreaching bureaucrats and their political allies around the country began declaring victory on behalf of subsidized development schemes that will not only cost citizens the residences and businesses they worked hard to build, but will also cost taxpayers the money they worked hard to earn. From shopping malls to sports stadiums, the Court has unjustly given its blessing to many crony-capitalist projects that depend more heavily on public funding than free-market principles to succeed. <http://www.freerepublic.com/focus/f-news/1429294/posts>

FASCISM

" Fascism is commonly defined as an open terror-based dictatorship..."

"The **STRIPPING OF RIGHTS AND WEALTH** focused upon a specific segment of the population, specifically the middle class and intellectuals within urban areas as this the group with the means, intelligence and ability to stop fascism if given the opportunity. "

"**GREED: The motivator of fascism**, which is generally associated with **land**, space or scarce resources in the possession of those being oppressed."

THE FASCIST STATE

**WE HAVE ARRIVED AT THE FASCIST STATE IN
AMERICA!**

Supreme Court Rules Cities May Seize Homes

(Latest UnConstitutional Supreme Court ruling
on private property rights below information on FASCISM)

WHAT IS FASCISM?

Parts 1 of 2

http://www.apfn.org/apfn/what_is_fascism.htm

http://www.apfn.org/apfn/what_is_fascism2.htm

Source:

Defination of Fascism

<http://www.couplescompany.com/Features/Politics/Structure3.htm>

WHAT IS FASCISM ?

BY LAURA DAWN LEWIS

This may surprise most educated people. One of the more common government strategies today, especially in developing regions is fascism. Fascism is commonly confused with Nazism. Nazism is a political party platform that embraces a combination of a military dictatorship, socialism and fascism. It is not a government structure. Fascism is a government structure. The most notable characteristic of a fascist country is the separation and persecution or denial of equality to a specific segment of the population based upon superficial qualities or belief systems.

Simply stated, **a fascist government always has one class of citizens that is considered superior (good) to another (bad) based upon race, creed or origin.** It is possible to be both a republic and a fascist state. The preferred class lives in a republic while **the oppressed class lives in a fascist state.**

Until the Civil Rights act of 1964, many parts of the US were Republic for whites and could be considered fascist for non-Caucasian residents. Fascism promotes legal segregation in housing, national resource allocation and employment. **It provides legal justification for persecuting a specific segment of the population and operates**

behind a **two tiered legal system**. These two tiers can be overt as it was within Nazi Germany where Jews, Homosexuals, Catholics, Communists, Clergy and the handicap were held to one set of rules and courts, while the rest of Germany enjoyed different laws.

Or it can be implied and held up by consensual conspiracy, (people know it is wrong but do nothing to stop it or change it. Through lack of action, they give consent), as it was in the deep South for African Americans and others of color. In Fascism, one segment of society is always considered less desirable, sub-human or second class.

(Note: no single government is pure anything. Most have elements of several structures with one dominant structure). Below is the political definition and general characteristics of a fascist country. [TOP](#)

GENERAL CHARACTERISTICS OF A FASCIST COUNTRY:

1. Fascism is commonly defined as an open terror-based dictatorship which *is*:

- **Reactionary**: makes policy based upon current circumstances rather than creating policies to prevent problems; piles lies and misnomers on top of more lies until the truth becomes indistinguishable, revised or forgotten.
- **Chauvinistic**: Two or more tiered legal systems, varying rights based upon superficial characteristics such as race, creed and origin.
- **Imperialist** elements of finance capital: Extending a nation's authority by territorial acquisition or by the establishment of economic and political domination of one state over its allies.

Though a dictatorship is the most common association with fascism, a democracy or republic can also be fascist when it strays away from its Tenets of sovereignty. In the 20th Century, many Fascist countries started out as republics. Through the use of fear, societies gave up their rights under the guise of security. Ultimately these republics morphed into Fascist states.

2. Fascism is an extreme measure taken by the middle classes to forestall lower-working class revolution; it thrives on the weakness of the middle classes. It accomplishes this by embracing the middle-class' love of the status-quo, its complacency and its fears of: [TOP](#)

- a. Generating a united struggle within the working class
- b. Revolution
- c. Losing its own power and position within society

In a more simplistic term the people currently in control fear that if they allow equal rights and equal consideration to those being oppressed, they will become oppressed and lose everything. Generally those in power are of a smaller segment of society, but they hold the wealth and control of key systems like manufacturing, law, finance and government position, (i.e. the slave owners in the south prior to the civil war) and the oppressed vastly outnumber them, (the slaves during the same period).

In reality it is the oppressors' fear of retribution by the oppressed that perpetuates fascism; for justification they dehumanize, demonize, strip them of rights, add new laws, restrict movement and attempt to control them by whatever means possible to prevent an uprising. It is very common in a fascist system to have the oppressed referred to as sub-human, animals, terrorists, savages, barbarians, vermin or any

other term designed to create justification for the acts of terror and fascism perpetrated on the oppressed. Via dehumanization society can then accept that the oppressed are incapable of thinking or acting in a peaceful manner or taking care of themselves, and thus society is exonerated from culpability in their own minds. **Propaganda, not persuasion**, logic or law, is the tool of fascism, though at times very difficult to spot. It specifically rides the fact that negative behavior is innate, (born with) rather than a logical behavior in response to oppression. Propaganda also empowers the oppressors with elitism racially, socially, intellectually and/or spiritually.

THE 7 CONDITIONS *(WARNING SIGNS)* THAT FOSTER & FUEL FASCISM ARE:

- 1. INSTABILITY** of capitalist relationships or markets
- 2. The existence of considerable DECLASSIFIED SOCIAL ELEMENTS**
- 3. The STRIPPING OF RIGHTS AND WEALTH** focused upon a specific segment of the population, specifically the middle class and intellectuals within urban areas as this the group with the means, intelligence and ability to stop fascism if given the opportunity.
- 4. DISCONTENT** among the rural lower middle class (clerks, secretaries, white collar labor). Consistent discontent among the general middle and lower middle classes against the oppressing upper-classes (haves vs have-nots).
- 5. HATE:** Pronounced, perpetuated and accepted public disdain of a specific group defined by race, origin, theology or association.
- 6. GREED:** The motivator of fascism, which is generally associated with land, space or scarce resources in the possession of those being oppressed.

7. ORGANIZED PROPAGANDA:

a) The creation of social mythology that venerates (creates saints of) one element of society while concurrently vilifying (dehumanizing) another element of the population through misinformation, misdirection and the obscuring of factual matter through removal, destruction or social humiliation, (name-calling, false accusations, belittling and threats).

b) The squelching of public debate not agreeing with the popular agenda via slander, libel, threats, theft, destruction, historical revisionism and social humiliation. Journalists in particular are terrorized if they attempt to publish stories contrary to the agenda.

3. Fascism DOVETAILS BUSINESS & GOVERNMENT sectors into a single economic unit, while concurrently increasing in-fighting and distrust between the units fostering advancement towards war. [TOP](#)

4. a) Fascism PROMOTES CHAUVINIST DEMAGOGY, (appealing to the prejudices and emotions of the populace) by fostering selective persecution and accepted public vilification of the target group. It then promotes this a "patriotic", "supportive" or "the party line" and disagreement with such as "anti-government", "anti-faith" or "anti-nation".

b) Fascism **CREATES CONFUSION** through "facts". It relies on junk science, revisionism, the elimination of cultural records/treasures and obfuscations to create its case and gain acceptance. Fascism can also combine Marxist critiques of capitalism or faith based critics of the same to re-define middle class perceptions of democracy and to force its issues, confuse logic and create majority consensus between targeted groups. This is also referred to as creating a state of Cognitive Dissonance, the mental state most human beings are easily manipulated within. [TOP](#)

5. Both middle and upper-middle-class dictated democracy and fascism are class dictatorships that use ORGANIZED VIOLENCE (verbal or physical) to maintain the class rule of the oppressors over the oppressed.

The difference between the two is demonstrated by the policies towards non-lower-working class classes. *Fascism attains power through the substitution of one state's form of class domination with another form*, generally a middle class based republic segues into an open terrorist dictatorship, run by a few elite. [TOP](#)

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THE 14 DEFINING CHARACTERISTICS OF FASCISM

by Dr. Lawrence Britt

Dr. Lawrence Britt has examined the fascist regimes of Hitler (Germany), Mussolini (Italy), Franco (Spain), Suharto (Indonesia) and several Latin American regimes. Britt found 14-defining characteristics common to each:

1. POWERFUL AND CONTINUING NATIONALISM -

Fascist regimes tend to make constant use of patriotic mottos, slogans, symbols, songs, and other paraphernalia. Flags are seen everywhere, as are flag symbols on clothing and in public displays. [TOP](#)

2. DISDAIN FOR THE RECOGNITION OF HUMAN RIGHTS -

Because of fear of enemies and the need for security, the people in fascist regimes are persuaded that human rights can be ignored in certain cases because of "need." The people tend to look the other way or even approve of torture, summary executions, assassinations, long incarcerations of prisoners, etc. [TOP](#)

3. IDENTIFICATION OF ENEMIES/SCAPEGOATS AS A UNIFYING CAUSE -

The people are rallied into a unifying patriotic frenzy over the need to eliminate a perceived common threat or foe: racial, ethnic or religious minorities; liberals; communists; socialists, terrorists, etc. [TOP](#)

4. SUPREMACY OF THE MILITARY -

Even when there are widespread domestic problems, the military is given a disproportionate amount of government funding, and the domestic agenda is neglected. Soldiers and military service are glamorized. [TOP](#)

5. RAMPANT SEXISM -

The governments of fascist nations tend to be almost exclusively male-dominated. Under

fascist regimes, traditional gender roles are made more rigid. Divorce, abortion and homosexuality are suppressed and the state is represented as the ultimate guardian of the family institution. [TOP](#)

6. CONTROLLED MASS MEDIA -

Sometimes media is directly controlled by the government, but in other cases, the media is indirectly controlled by government regulation, or sympathetic media spokespeople and executives. Censorship, especially in war time, is very common. [TOP](#)

7. OBSESSION WITH NATIONAL SECURITY -

Fear is used as a motivational tool by the government over the masses. [TOP](#)

8. RELIGION AND GOVERNMENT ARE INTERTWINED -

Governments in fascist nations tend to use the most common religion in the nation as a tool to manipulate public opinion. Religious rhetoric and terminology is common from government leaders, even when the major tenets of the religion are diametrically opposed to the government's policies or actions. [TOP](#)

9. CORPORATE POWER IS PROTECTED -

The industrial and business aristocracy of a fascist nation often are the ones who put the government leaders into power, creating a mutually beneficial business/government relationship and power elite. [TOP](#)

10. LABOR POWER IS SUPPRESSED -

Because the organizing power of labor is the only real threat to a fascist government, labor unions are either eliminated entirely, or are severely suppressed. [TOP](#)

11. DISDAIN FOR INTELLECTUALS AND THE ARTS -

Fascist nations tend to promote and tolerate open hostility to higher education, and academia. It is not uncommon for professors and other academics to be censored or even arrested. Free expression in the arts and letters is openly attacked. [TOP](#)

12. OBSESSION WITH CRIME AND PUNISHMENT -

Under fascist regimes, the police are given almost limitless power to enforce laws. The people are often willing to overlook police abuses and even forego civil liberties in the name of patriotism. There is often a national police force with virtually unlimited power in fascist nations.

13. RAMPANT CRONYISM AND CORRUPTION -

Fascist regimes almost always are governed by groups of friends and associates who appoint each other to government positions and use governmental power and authority to protect their friends from accountability. It is not uncommon in fascist regimes for national resources and even treasures to be appropriated or even outright stolen by government leaders. [TOP](#)

14. FRAUDULENT ELECTIONS -

Sometimes elections in fascist nations are a complete sham. Other times elections are manipulated by smear campaigns against or even assassination of opposition candidates, use of legislation to control voting numbers or political district boundaries, and manipulation of the media. Fascist nations also typically use their judiciaries to manipulate or control elections. [TOP](#)

AN INTERESTING NOTE TO END THIS ARTICLE: As of January 2004, the United States fulfills all fourteen points of fascism and all seven warning signs are present. But we're not alone. Israel also fulfills all fourteen points and all seven warning signs as well. Welcome to the new republic, redefined, revised and spun. It is not too late to reverse this in either country, but it will be soon. The first step is realizing it. The second step is

getting involved. As the propaganda slogan disguising our current war goes, "Freedom isn't free." But our war for freedom isn't abroad; it's here at home.

[READER FEEDBACK](#)

Additional Reading....

1) [THEY THOUGHT THEY WERE FREE](#), *By Milton Mayer*

"They Thought They Were Free: The Germans 1933-1945", University of Chicago Press. Reissued in paperback, April, 1981. As Harpers Magazine noted when the book was published in 1955 (U. of Chicago), Milton Mayer's extraordinarily far-sighted book on the Germans is more timely today than ever.

2) This is not an endorsement of Socialism or Communism, which are fundamentally at odds with the US Constitution. However, reading some of the works on Fascism during the 1920's & 1930's in Europe by members of the Communist and Socialist parties will provide you with additional insights. You may want to start with: [FASCISM: WHAT IT IS AND HOW TO FIGHT IT](#) by Leon Trotsky

3) [HOW HITLER CAME TO POWER](#):

Whenever U.S. officials wish to demonize someone, they inevitably compare him to Adolf Hitler. The message immediately resonates with people because everyone knows that Hitler was a brutal dictator. In the presidential election held on March 13, 1932, there were four candidates: the incumbent, Field Marshall Paul von Hindenburg, Hitler, and two minor candidates, Ernst Thaelmann and Theodore Duesterberg. The results were:

1. Hindenburg 49.6 percent
2. Hitler 30.1 percent
3. Thaelmann 13.2 percent
4. Duesterberg 6.8 percent

Read *Jacob Hornberger's* Full Article on [The Future of Freedom Foundation](#)

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Definitions

Proletariat (aka lower-working class (adj)):

1 the lowest class of citizens of ancient Rome who had no property

2: belonging to or characteristic of the proletariat (n) : a member of the working class (not necessarily employed); "workers of the world-- unite!" [TOP](#)

Bourgeois (aka middle classes (n)): the social class between the lower and upper classes: Middle Class [TOP](#)

Imperialism (n): The policy of extending a nation's authority by territorial acquisition or by the establishment of economic and political domination of one state over its allies and over other nations. 2: The system, policies, or practices of such a government. [TOP](#)

Demagoguery (n): Impassioned appeals to the prejudices and emotions of the populace [TOP](#)

Obscurantism, Obfuscation (n):

1. The principles or practice of delivering vague truths and hiding key facts.
2. A policy of withholding information from the public.
3. The act of lying through selective omission [TOP](#)

Tyranny (n):

1. A form of government in which the ruler is an absolute dictator and is not restricted by a constitution, laws or opposition etc.
2. Dominance over a populous through threat of punishment, terrorism, oppression and violence [TOP](#)

Autocracy (n):

1. Government by a single person having unlimited power; tyranny, dictator.
2. A country or state that is governed by a single person with unlimited power. [TOP](#)

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[The Exposé"](#)

FASCISM - WE HAVE ARRIVED AT THE FASCIST STATE IN AMERICA!

Sat Jun 25, 2005 01:47

64.140.158.37

----- Original Message -----

Subject: RE: [Fwd: FASCISM - WE HAVE ARRIVED AT THE FASCIST STATE IN AMERICA!]

Date: Sat, 25 Jun 2005 00:12:54 +0000

From: The Exposé" investigativeexpose@hotmail.com

To: apfn@apfn.org

Greetings.

1. The transfer of Government Services to private sector is called Privatisation, and-

2. The transfer of government AUTHORITY into the hands of privateers is known as Fascism.

In 1919, Italian philosopher Giovanni Gentile who wrote the entry in the Encyclopedia Italiana that said: "Fascism should more appropriately be called corporatism because it is a merger of state and corporate power."

Mussolini, however, affixed his name to the entry, and claimed credit for it. In the same timeframe Hitler's National Socialism (fledgling Nazi Party) embraced a similar theme knowing full well socialism appeals when people are destitute, and when they have acquired wealth - capitalism is reigns supreme, with government intertwined in both.

As the 1983 American Heritage Dictionary noted, fascism is: "A system of government that exercises a dictatorship of the extreme right, typically through the merging of state and business leadership, together with belligerent nationalism."

Dare we whisper what the 'West' is becoming AT THE ALTAR OF PRIVATIZATION???

Mussolini was quite straightforward about all this. In a 1923 pamphlet titled "The Doctrine of Fascism" he wrote, "If classical liberalism spells individualism, Fascism spells government." "But not a government of, by, and for We The People - instead, it would be a government of, by, and for the most powerful corporate interests in the nation."

<http://www.yuricareport.com/PoliticalAnalysis/FascismCanHappenHere.html>

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Use it. Give Texposé due credit.

Texposé

veritas@uci.net

A man's house is his castle. "Certiorari"

Sat Jun 25, 2005 01:57

I guess the Supremes of today can't read Latin when they grant "Certiorari"

A man's house is his castle.

Every man's house is his castle {Domus sua cuique est tutissimum refugium; 5 Rep. 92};

The habitation of each one is an inviolable asylum for him {Domus tutissimum cuique refugium atque receptaculum; Dig. 2, 4, 18};

Kelo v. City of New London, No. 04-108 (U.S.S.C. 06/23/2005) (The U.S. Supreme Court, in a 5-4 vote, rules that the "Takings Clause" in the U.S. Constitution permits local governments can seize residential and commercial property for private development. In a strongly worded dissent, Justice O'Connor rebukes the majority's conclusion, asserting that "the beneficiaries are likely to be those citizens with disproportionate influence and power in the political process," giving government a "license to transfer property from those with fewer resources to those with more.");

<http://laws.findlaw.com/us/000/04-108.html>

U.S. Supreme Court destroys the right to private property

Fri Jun 24, 2005 03:09

<http://www.apfn.org/APFN/FASCISM.HTM>

U.S. Supreme Court destroys the right to private property

Fri Jun 24, 2005 03:09

U.S. Supreme Court destroys the right to private property

The U.S. Supreme Court today ruled in Kelo v. City of New London that local governments can seize private property for private development even when that property is not "put into use for the general public."

Susette Kelo is a private homeowner in New London, Connecticut. When she and several other neighborhood residents refused to sell their property to the New London Development Corporation, a private developer, the city used its power of eminent domain to condemn the private homes and businesses.

Eminent domain is the legal authority for a governing body to confiscate private property for public use, as outlined in the Fifth Amendment of the U.S. Constitution.

New London officials announced plans to raze the homes in order to build high-end condominiums,

a luxury hotel and several office buildings, arguing that private development serves a public interest in boosting economic growth.

Ed O'Connell, the lawyer for the New London Development Corporation, told The New York Times, "We need to get housing at the upper end, for people like the Pfizer employees."

The U.S. Supreme Court was asked to determine if the Fifth Amendment's "public use" requirement offered any protection for individuals like Kelo whose property is being condemned for the sole purpose of private economic development.

In a 5-4 decision, the Supreme Court deferred to the city and ruled against Kelo and other property owners. "The city has carefully formulated a development plan that it believes will provide appreciable benefits to the community, including, but not limited to, new jobs and increased tax revenue," wrote Justice John Paul Stevens in the majority opinion.

"In other words, the Court believes your property belongs to the highest bidder," said Bob Williams, president of the Evergreen Freedom Foundation (EFF). EFF was just one of a diverse group of property rights and individual liberty activists who filed 25 "friend of the court" amicus briefs with the Supreme Court urging the justices to end the abuse of eminent domain.

"This decision is an unacceptable assault on the constitutional right to private property," said Williams. "It means that no home, church or business is safe if government officials decide they have a better use for the property."

He continued: "This decision also disenfranchises poor and middle class property owners who can't afford to defend their homes."

"Public interest groups like the Evergreen Freedom Foundation and the Institute for Justice will continue to fight for property rights, but citizens must demand that their state legislatures pass laws that ensure that every person's home is truly his or her castle," said Williams.

If the legislature does not take steps to protect property rights, Williams warned that "the people must do so themselves at the ballot box."

Additional Information

Kelo v. City of New London

<http://straylight.law.cornell.edu/supct/html/04-108.ZS.html>

Kelo amicus brief

http://www.ij.org/pdf_folder/private_property/kelo/goldwater04.pdf

All truth passes through three stages: First, it is ridiculed; Second, it is violently opposed; and Third, it is accepted as self-evident. -- Arthur Schopenhauer (1788-1860)

Fascism is a totalitarian system, where big government and big business are in collusion to lord it over ordinary citizens. Private property is allowed "on paper", but because owners are not free to use or dispose of their property as they wish, the term loses all its meaning. Under a fascist system of government, the individual's interest is subservient to the national interest.

Communism is also a totalitarian system, where all property belongs to the state. Government and business are the same thing - as the state owns the means of production. Under a communist system of government, the individual's interest is likewise subservient to the national interest. <http://www.sovereignlife.com/essays/07-06-04.html>